United Nations A/HRC/RES/37/2

General Assembly

Distr.: General
6 April 2018

Original: English

Human Rights Council
Thirty-seventh session
26 February–23 March 2018
Agenda item 3

Resolution adopted by the Human Rights Council on 22 March 2018

37/2. The right to privacy in the digital age

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the human rights and fundamental freedoms enshrined in the Universal Declaration of Human Rights and relevant international human rights treaties, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities,

Recalling all previous resolutions adopted by the General Assembly and the Human Rights Council on the right to privacy in the digital age,

Recalling also its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that all mandate holders shall discharge their duties in accordance with those resolutions and the annexes thereto,

1. *Decides* to extend the mandate of the Special Rapporteur on the right to privacy for a period of three years under the same terms as provided for by the Human Rights Council in its resolution 28/16 of 26 March 2015;

2. *Calls upon* all States to cooperate fully with and to assist the Special Rapporteur in the performance of the mandate, including by providing all necessary information requested by him or her, to respond promptly to his or her urgent appeals and other communications, to consider favourably the mandate holder's requests to visit their countries and to consider implementing the recommendations made by the mandate holder in his or her reports;

3. *Encourages* all relevant stakeholders, including the United Nations and its agencies, programmes and funds, regional human rights mechanisms, national human rights institutions, civil society and the private sector to cooperate fully with the Special Rapporteur to enable him or her to fulfil the mandate;

4. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the human and financial resources necessary for the effective fulfilment of the mandate;

5. *Decides* to continue its consideration of the matter under the same agenda item.

53rd meeting
22 March 2018

[Adopted without a vote.]

United Nations A/HRC/RES/37/3

General Assembly

Distr.: General
9 April 2018

Original: English

Human Rights Council
Thirty-seventh session
26 February–23 March 2018
Agenda item 3

Resolution adopted by the Human Rights Council on 22 March 2018

37/3. Integrity of the judicial system

The Human Rights Council,

Guided by articles 5, 6, 7, 8, 10 and 11 of the Universal Declaration of Human Rights and articles 2, 4, 6, 7, 10, 14, 15, 16 and 26 of the International Covenant on Civil and Political Rights, and bearing in mind the Vienna Declaration and Programme of Action,

Recalling the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention for the Protection of All Persons from Enforced Disappearance,

Recalling also other important documents on the issue of the integrity of the judiciary endorsed by various forums of the United Nations, in particular the Basic Principles on the Independence of the Judiciary, the Basic Principles on the Role of Lawyers, the Guidelines on the Role of Prosecutors, the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, the Standard Minimum Rules for the Treatment of Prisoners, the Basic Principles for the Treatment of Prisoners, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, the Safeguards guaranteeing protection of the rights of those facing the death penalty, the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems and the Bangalore Principles of Judicial Conduct,

Recalling further its resolutions 19/31 of 23 March 2012, 25/4 of 27 March 2014 and 31/2 of 23 March 2016, and previous relevant resolutions of the Commission on Human Rights,

Stressing that most of the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment are not territorially limited and cannot be read as restricting or limiting States' obligations to respect the rights of all persons, anywhere in the world, to be free from torture and ill-treatment,

Underlining that all States must ensure that their obligations and commitments under international law, including international and regional human rights instruments to which they are party, are applied to any person kept in detention facilities under their jurisdiction, including when those facilities are situated abroad,

Convinced that the integrity of the judicial system, together with its independence and impartiality, is an essential prerequisite for the protection of human rights and

fundamental freedoms, for upholding the rule of law and democracy and ensuring that there is no discrimination in the administration of justice,

Noting with concern that the lack of and discrimination in access to justice can cause grave violations of the human rights of those deprived of such access,

1. *Reaffirms* the right of everyone to recognition everywhere as a person before the law;

2. *Notes with concern* certain practices that are applied to persons in detention in violation of human rights and the rule of law, such as detention without a legal basis, contrary to the principle of habeas corpus, the deprivation of due process of law, of access to legal counsel and/or of an opportunity to challenge the legality of their detention before a court that is a part of the general judicial system, and calls upon States to respect judicial guarantees as provided for in international law, including international human rights law and humanitarian law, as applicable;

3. *Reiterates* that, as provided for in article 14 of the International Covenant on Civil and Political Rights, every person is entitled, in full equality, to a fair and public hearing by a competent, independent and impartial tribunal established by law in the determination of his or her rights and obligations and of any criminal charge against him or her, and that he or she is entitled to the presumption of innocence until proved guilty according to law;

4. *Notes* that, according to paragraph 5 of the Basic Principles on the Independence of the Judiciary, everyone has the right to be tried by ordinary courts or tribunals using established legal procedures, and that tribunals that do not use duly established procedures of the legal process shall not be created to displace the jurisdiction belonging to the ordinary courts or judicial tribunals;

5. *Underlines* that any court trying a person charged with a criminal offence should be competent, independent and impartial;

6. *Urges* States to guarantee that all persons brought to trial before courts or tribunals under their authority have the right to be tried in their presence, to defend themselves in person or through legal assistance of their own choosing and to have all the guarantees necessary for their legal defence;

7. *Calls upon* States to ensure that the principle of equality before the courts and before the law is respected within their judicial systems by, inter alia, providing to those being tried the possibility to examine, or to have examined, the witnesses against them and to obtain the attendance and examination of witnesses on their behalf under the same conditions as witnesses against them;

8. *Stresses* that no one shall be held in secret detention, and urges States concerned to close down promptly all secret detention facilities under their jurisdiction or control situated on their territories or abroad, and to ensure that all persons held in detention under their authority are provided with access to justice by courts and tribunals that are an integral part of the general judicial system, acting in compliance with international due process and fair trial standards;

9. *Calls upon* States to investigate promptly and impartially all alleged cases of extraordinary renditions, secret detention, torture and practices tantamount to torture or other cruel, inhuman or degrading treatment, including under the pretext of countering terrorism, and to hold accountable everyone implicated, including at the highest level of authority, in ordering or executing those activities;

10. *Also calls upon* States to provide access to an effective remedy to all those who have been subject to prolonged arbitrary arrest and/or physical and mental suffering owing to lack of access to the general judicial system;

11. *Reaffirms* that every convicted person should have the right to have his or her conviction and sentence reviewed by a tribunal of competent, independent and impartial jurisdiction according to law;

12. *Calls upon* States that have military courts or special tribunals for trying criminal offenders to ensure that such bodies are an integral part of the general judicial system, operate in accordance with applicable fair trial guarantees, and apply procedures that are recognized according to international law as guarantees of a fair trial, including the right to appeal a conviction and a sentence;

13. *Stresses* the importance of developing cooperation between national judicial systems with a view to, inter alia, strengthening the protection of persons deprived of their liberty;

14. *Also stresses* that independent and effective national human rights institutions can and should play a role in strengthening the rule of law and in supporting the independence and integrity of the judicial system;

15. *Requests* the United Nations High Commissioner for Human Rights, in consultation with States, relevant United Nations agencies, special procedures, treaty bodies, non-governmental organizations and other relevant stakeholders, to prepare and submit to the Human Rights Council at its forty-third session a comprehensive study on the implications of the lack of integrity of the judicial system for human rights, in particular for persons kept in detention facilities outside the territory of States;

16. *Invites* the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances to take full account of the present resolution in the discharge of their mandates;

17. *Decides* to continue consideration of this issue in accordance with its annual programme of work.

53rd meeting
22 March 2018

[Adopted by a recorded vote of 23 to 2, with 22 abstentions. The voting was as follows:

In favour:

Angola, Brazil, Burundi, Chile, China, Côte d'Ivoire, Cuba, Ecuador, Egypt, Ethiopia, Kenya, Kyrgyzstan, Mexico, Nepal, Pakistan, Panama, Peru, Philippines, Rwanda, South Africa, Tunisia, United Arab Emirates, Venezuela (Bolivarian Republic of)

Against:

Georgia, United States of America

Abstaining:

Afghanistan, Australia, Belgium, Croatia, Democratic Republic of the Congo, Germany, Hungary, Iraq, Japan, Mongolia, Nigeria, Qatar, Republic of Korea, Saudi Arabia, Senegal, Slovakia, Slovenia, Spain, Switzerland, Togo, Ukraine, United Kingdom of Great Britain and Northern Ireland]

United Nations A/HRC/RES/37/4

General Assembly

Distr.: General
9 April 2018

Original: English

Human Rights Council
Thirty-seventh session
26 February–23 March 2018
Agenda item 3

Resolution adopted by the Human Rights Council on 22 March 2018

37/4. Adequate housing as a component of the right to an adequate standard of living, and the right to non-discrimination in this context

The Human Rights Council,

Guided by the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities,

Recalling also all previous resolutions of the Human Rights Council and those adopted by the Commission on Human Rights on the issue of the right to adequate housing as a component of the right to an adequate standard of living, including Council resolutions 31/9 of 23 March 2016 and 34/9 of 23 March 2017,

Recalling further General Assembly resolution 70/1 of 25 September 2015 entitled "Transforming our world: the 2030 Agenda for Sustainable Development", in which the Assembly adopted a comprehensive, far-reaching and people-centred set of universal and transformative Sustainable Development Goals and targets, inter alia, the importance of making cities and human settlements inclusive, safe, resilient and sustainable,

Recalling all previous resolutions adopted by the Commission on Human Rights on the issue of women's equal rights to ownership of, access to and control over land and the equal rights to own and inherit property and to adequate housing, including resolution 2005/25 of 15 April 2005 on women's equal ownership, access to and control over land and the equal rights to own property and to adequate housing, and emphasizing the need, in ensuring housing affordability, to develop strategies that take into account women's economic conditions and status, including as a result of gender wage gaps,

Reaffirming the principles and commitments with regard to adequate housing enshrined in the relevant provisions of declarations and programmes adopted at major United Nations conferences and summits and at special sessions of the General Assembly and their follow-up meetings, inter alia, the New Urban Agenda, adopted at the United Nations Conference on Housing and Sustainable Urban Development (Habitat III),

Recalling that States have the primary responsibility to ensure the full realization of all human rights and to endeavour to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of their available resources, with a view to progressively achieving the full realization of the right to adequate housing as a component of the right to an adequate standard of living by all appropriate means, including the adoption of legislative measures,

Emphasizing that the adverse effects of climate change have a range of implications, both direct and indirect, for the effective enjoyment of human rights, inter alia, the right to adequate housing as a component of the right to an adequate standard of living, and welcoming the adoption and nearly universal ratification of the Paris Agreement under the United Nations Framework Convention on Climate Change, and calling upon States to continue its implementation, as applicable,

Expressing deep concern at the number and scale of natural disasters and their negative impact on the right to adequate housing, and in this regard affirming the need for the continued implementation of the Sendai Framework for Disaster Risk Reduction 2015-2030,

Noting with appreciation the work of the treaty bodies, in particular the Committee on Economic, Social and Cultural Rights, in the promotion of the rights relating to adequate housing as a component of the right to an adequate standard of living, including all its relevant general comments and, for States parties to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the examination of individual communications,

Recalling the guiding principles on security of tenure for the urban poor, as laid out in the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context,[1]

Concerned that the right to adequate housing is not realized for many throughout the world and that millions continue to live in substandard housing and millions more are homeless or at immediate risk of homelessness, and recognizing that this situation should be addressed by urgent and immediate measures by States, in accordance with existing international human rights commitments and obligations and with the support, where necessary, of the international community,

Deeply concerned that inadequate housing, homelessness and forced eviction disproportionately affect women, children and persons with disabilities, and other persons who are marginalized and most vulnerable, each in different ways but with common structural causes, and that homelessness and tenure insecurity per se might result in discrimination, criminalization and further exclusion, particularly social and economic exclusion,

Reaffirming that everyone is entitled to the right to adequate housing as a component of the right to an adequate standard of living without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Emphasizing the importance of housing to dignity and equal rights for persons with disabilities, who often face widespread and severe forms of discrimination in virtually all aspects of housing, from the inaccessible design of buildings to barriers to finance or discriminatory tenant selection and various forms of stigmatization, and acknowledging in particular that persons with disabilities are at a greater risk of violence within and outside of their homes simply because of their disability,

Recognizing that security of tenure enhances the enjoyment of the right to adequate housing and is significant to the enjoyment of many other economic, social, cultural, civil and political rights, and that all persons should possess a degree of security of tenure that guarantees legal protection against forced eviction, harassment and other threats,

[1] A/HRC/25/54.

Deeply concerned that investment in housing has often become primarily a financial instrument solely and exclusively focused on seeking high returns, disconnecting it from its social function as a place to live in security and dignity,

1. *Welcomes* the work of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, including the undertaking of country missions, and takes note of her reports;

2. *Calls upon* States:

(a) To implement the 2030 Agenda for Sustainable Development, including target 11.1, and in this context urges States to adopt, in consultation with relevant stakeholders, including civil society, national human rights institutions and the private sector, inclusive and cross-sectoral strategies that respect, protect and fulfil the human rights of all, and to ensure that these strategies outline clear responsibilities at all levels of government, contain measurable goals, targets and timelines and include appropriate mechanisms for regular monitoring and review, with particular emphasis on the needs of persons who are marginalized and most vulnerable;

(b) To give due consideration to integrating the human right to adequate housing as a component of the right to an adequate standard of living in the implementation of the New Urban Agenda;

(c) To take positive measures with a view to prevent and eliminate homelessness by adopting and implementing cross-sectoral strategies that are gender-, age- and disability-responsive and based on international human rights law;

(d) To take measures necessary to curb factors that result in a lack of affordable housing, such as housing speculation and the "financialization of housing",[2] and to ensure an effective remedy and the right to access to justice for all for violations in the context of the realization of the right to adequate housing as a component of the right to an adequate standard of living, including measures necessary to ensure that women and persons at risk have equal access to justice;

(e) To ensure that the principles of equality and non-discrimination are respected when fulfilling the right to adequate housing, and in this respect to take measures to the maximum of available resources to address systemic homelessness and deprivation of housing, which disproportionately affects persons with disabilities, and to strive towards the full realization of the right to adequate housing for all, including for persons with disabilities;

(f) To take steps necessary to ensure women's equal right to adequate housing in all aspects of housing strategies by, inter alia, addressing women's distinct housing experiences, including discrimination, violence against women and the disproportionate impact on women of forced evictions, inadequate water and sanitation services and pervasive poverty, and by undertaking legislative and other reforms to realize the equal rights of women and men, as well as girls and boys where applicable, to access economic and productive resources, including land and natural resources, and property and inheritance rights;

3. *Requests* the Special Rapporteur, in fulfilling her mandate, to participate in relevant international dialogues and policy forums relating to the implementation of the 2030 Agenda for Sustainable Development, particularly the implementation of Goals 1 and 11, and the New Urban Agenda, taking into account the need for an integrated approach to the implementation of the 2030 Agenda for sustainable development, and to undertake thematic research with a view to advise States, intergovernmental organizations, civil society and other stakeholders on how to effectively respect, protect and fulfil the right to adequate housing, and non-discrimination in this context;

[2] See A/HRC/34/51.

4. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the assistance necessary to the Special Rapporteur for the effective fulfilment of her mandate;

5. *Notes with appreciation* the cooperation extended to date to the Special Rapporteur by different actors, and calls upon States:

(a) To continue to cooperate with the Special Rapporteur in the discharge of her mandate and to respond favourably to her requests for information and visits;

(b) To enter into a constructive dialogue with the Special Rapporteur with respect to the follow-up to and implementation of her recommendations;

6. *Decides* to continue its consideration of this matter under the same agenda item.

53rd meeting
22 March 2018

[Adopted without a vote.]